

Diesel Truck Driver Training School, Inc. and Drivers, Salesmen, Warehousemen, Milk Processors, Cannery, Dairy Employees and Helpers Union Local No. 695 affiliated with International Brotherhood of Teamsters, AFL-CIO.
Cases 30-CA-11158 and 30-RC-5163

May 28, 1993

DECISION, ORDER, AND DIRECTION

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND OVIATT

On August 31, 1992, Administrative Law Judge Hubert E. Lott issued the attached decision. The Respondent filed exceptions and a supporting brief; the General Counsel filed an answering brief to the exceptions; and the Respondent filed a reply to the answering brief.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings,¹ and conclusions and to adopt the recommended Order as modified.

We agree with the judge that the Respondent violated Section 8(a)(3) and (1) of the Act by its discharge of Mary Crain (incorrectly identified as Mary Crane by the judge), Anita Boedefeld, and Florence Vick. We are satisfied that the General Counsel made a prima facie showing sufficient to support the inference that their union activity was a motivating factor in the Respondent's decision to discharge them and that the Respondent did not meet its ensuing burden to demonstrate that they would have been discharged even in the absence of union activity. See *Wright Line*, 251 NLRB 1083 (1980), enfd. 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989 (1982).

We note first that the three employees were engaged in union activity and that the Respondent was aware of that activity. Thus, on October 24, 1990, 2 days before the three bookkeepers' discharge, the Union sought recognition from the Respondent in an office clerical unit which included the three bookkeepers. The Respondent's president, Robert Klabacka, testified that

he assumed the three bookkeepers were involved in the organization effort because they were a part of the office clericals. More particularly, we note that the Respondent was aware of Mary Crain's union activity because she told her husband, a supervisor of the Respondent, of her interest in the Union and he in turn told this to an official of the Respondent who told another official. Anita Boedefeld was the most active of the three employees in her organizing efforts and the Respondent does not deny knowledge of her union activity, indeed seeming to concede it in its reply brief. While there is no direct evidence regarding the Respondent's knowledge of Vick's union activity, we infer such knowledge based on the evidence of the Respondent's knowledge of the other two employees' union association, the fact that Vick was fired with the other two employees, and that she was fired for no credible reason. See *Active Transportation*, 296 NLRB 431, 432 fn. 6 (1989).

The General Counsel also established the element of timing, as the three employees were discharged only 2 days after the Union made a demand for recognition in the office clerical unit. We also agree with the judge's findings that the various reasons the Respondent offered for discharging the three bookkeepers "do not stand up to scrutiny" and were indeed pretextual. Given the employees' union activities, the Respondent's knowledge of the activities, the timing of the decision to terminate the three employees, and the pretextual nature of the asserted precipitating reasons for the terminations, we infer unlawful animus in the Respondent's decision to discharge the employees. See *Electromedics*, 299 NLRB 928, 940 (1990). Robert Klabacka's testimony that he was "damn mad" that the organizing had been going on and that he didn't learn about it until it was "too late"; Mark Klabacka's statement to discharged employees Crain and Boedefeld to "get your [expletive deleted] and get the hell out of here"; and Michael Klabacka's November 1991 statement to the clerical employees that the Union would do them no good, that it hadn't helped the instructors and wouldn't help them, and that he wanted the clericals to vote against the Union, are statements that are consistent with union animus. Because the General Counsel established a prima facie case here, the burden then shifted to the Respondent to show that the same action would have taken place notwithstanding the protected conduct. The judge found, and we agree, that the Respondent failed to meet its burden because each of the reasons offered were pretextual. Thus, the Board is entitled to infer that the Respondent's true motive was unlawful—i.e., because of the employee's union activity. *Shattuck Denn Mining Corp. v. NLRB*, 362 F.2d 466, 470 (9th Cir. 1966).

¹The Respondent has excepted to some of the judge's credibility findings. The Board's established policy is not to overrule an administrative law judge's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Standard Dry Wall Products*, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing the findings. Also, the Respondent asserts that certain of the administrative law judge's resolutions of credibility, findings of fact, and conclusions of law are the result of bias. After careful examination of the entire record, we are satisfied that this allegation is without merit.

We note that the judge referred to the firm Wagner & Associates in his decision. The correct firm name is Wegner & Associates.

Finally, we find that our decision is consistent with the Second Circuit's recent refinement of its opinion in *Holo-Krome Co. v. NLRB*, 947 F.2d 588 (2d Cir. 1991). On the Board's petition for rehearing in *Holo-Krome*, the court held, inter alia, that "[w]hen the Board reviews . . . a Board decision, the reviewing bodies should be able to examine the entire record to determine if improper motivation has been shown." 954 F.2d 108, 114 (2d Cir. 1992).

ORDER

The National Labor Relations Board adopts the recommended Order of the administrative law judge as modified below and orders that the Respondent, Diesel Truck Driver Training School, Inc., Sun Prairie, Wisconsin, its officers, agents, successors, and assigns, shall take the action set forth in the Order as modified.

Delete paragraph 2(c) of the Order and reletter succeeding paragraphs accordingly.

DIRECTION

It is directed that the Regional Director for Region 30 shall within 14 days from the date of this decision open and count the ballots cast by Mary Crain, Anita Boedefeld, and Florence Vick and thereafter prepare and cause to be served on the parties a revised tally of the ballots including therein the count of the above-named ballots. Thereafter, the Regional Director shall issue the appropriate certification in accordance with the Board's Rules and Regulations.

Gerald McKinney, Esq., for the General Counsel.
Paul Hahn and Paul Schmidt, Esqs. (Boardman, Swahr, Curry and Field), of Madison, Wisconsin, for the Respondent.
Ruth Ann Stodola, Teamsters Business Representative, of Madison, Wisconsin, for the Charging Party.

DECISION

STATEMENT OF THE CASE

HUBERT E. LOTT, Administrative Law Judge. This case was heard in Madison, Wisconsin, on October 17 and 18, 1991, on unfair labor practice charges and amended charges filed on October 30 and November 20, 1990. Complaint issued February 8, 1991. On November 26, 1990, an election was conducted among the office clerical employees. The three alleged discriminatees were challenged because their names were not on the eligibility list. Because their ballots are determinative, an order consolidating cases was issued on February 8, 1991, to determine whether they were discriminatorily discharged and whether their ballots should be opened and counted.

Respondent's answer to the complaint, duly filed, denies the commission of any unfair labor practices.

The parties were afforded an opportunity to be heard, to call, examine, and cross-examine witnesses, and to introduce relevant evidence. Since the close of hearing, briefs have been received from the parties.

On the entire record, and based on my observation of the witnesses, and in consideration of the briefs submitted, I make the following

FINDINGS OF FACT

I. JURISDICTION

Respondent is a corporation with a place of business located in Sun Prairie, Wisconsin, where it is engaged in the operation of an educational institution. During the calendar year ending December 31, 1990, Respondent, in the course and conduct of its business operations derived gross revenues in excess of \$1 million. During the same period, Respondent purchased and received at its Sun Prairie, Wisconsin facility products goods and materials valued in excess of \$50,000 from other enterprises located within the State of Wisconsin, each of which, had received said products, goods, and materials directly from points outside the State of Wisconsin.

The Company admits, and I find, that it is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

A. Background

In 1988, Local 695 (the Union) was certified to represent a unit of mechanics, maintenance employees, and instructors at Respondent's school. The current collective-bargaining agreement expires April 30, 1993.

On October 24, 1990,¹ the same local union requested recognition to represent the office clerical employees. Respondent declined to grant recognition on October 26, and discharged the bookkeeping department (Mary Crane, Anita Boedefeld, and Florence Vick) on that date. The Board conducted an election on November 26, and the results were: Seven eligible voters, three votes cast for and four votes cast against Petitioner. The ballots of Crane, Boedefeld, and Vick were challenged by the Board agent as NOL.

The cast of characters are as follows:

Robert Klabacka (father)—president and principal corporate officer who conducts his business out of his home in Las Vegas.

Jeff Klabacka (son)—vice president who operates Professional Dealers of America (PDSA) in Las Vegas with Boe Allen.

John Klabacka (son)—chief operations officer, Eugene, Oregon location.

Jerry Klabacka (son)—job training partnership director. Assisted Mike Klabacka at Sun Prairie.

Michael Klabacka (son)—school director from January 1987 to March 1991 at Sun Prairie.

Mark Klabacka (son)—chief operating officer at Sun Prairie. In 1990 vice president in charge of collections.

Dan Crane—training director at Sun Prairie and husband of Mary Crane.

Floyd Welsch, Jr.—partner in the accounting firm of Wagner & Associates, also an officer in Express Data Processing (EDP). Supervisor of accounting department at Sun Prairie beginning July 16.

¹ All dates are in 1990 unless otherwise indicated.

William Tyson—manager of computer consulting in EDP.
Anthony Klochow—employed by Wagner & Associates.

Since 1988 Respondent owns and operates several semitruck and trailer driving schools in the States of Oregon, California, and Wisconsin in addition to a card dealing school (PDSA) in Las Vegas, Nevada, and the Watertower Inn located in Sun Prairie, Wisconsin.

B. The Alleged Discriminatees

There were three employees in Respondent's bookkeeping department at Sun Prairie. All three were discharged on October 26. Mary Crane worked for Respondent 21 years. In 1985 she became head bookkeeper whose duties included accounts payable, accounts receivable, check registers, notes payable and receivable, depreciation, payroll, sales journals, monthly journal entries and tax forms other than income tax. According to Robert Klabacka, Crane always did a good job. When he asked her for something, he always got it. She was loyal, hardworking, and conscientious. The other Klabackas also praised her work. When she was discharged Michael Klabacka gave her a very good recommendation in writing. Crane testified that she had no indicia of supervisory authority over the other employees. She further testified that she was willing to learn computers, never refused to work with them, but was never offered training on computers. After she left Respondent, she worked for Prairie Home Products where she utilizes two different computer systems. The Solomon III Accounting System and the Word Perfect 5.1 System.

Anita Boedefeld was employed by Respondent for 3 years. Her job duties consisted of making entries to accounts payable, processing invoices, issuance of checks, and putting ledger information on the computer. She kept personnel records, processed workmen's compensation and unemployment compensation claims. She handled employee health insurance, ordered office supplies, kept cash receipt ledgers, and prepared daily cash reports that she sent to Robert Klabacka at the close of each day. She sent the DCR to Robert Klabacka from 1988 until the accounting books were sent to Las Vegas and again from March 1990 until the books were again sent to Las Vegas. Boedefeld is a college graduate from a 4-year degree program which included computer courses. Prior to working for Respondent, she worked for another employer using her computer skills. When Respondent discharged her, Michael Klabacka gave her a good written recommendation.

Florence Vick was hired on July 9. She is computer literate with 5 years' accounting experience. This information was on her job application. Her duties with Respondent consisted of retrieving data for EDP from some 40 boxes of accounting material returned from Las Vegas during the summer. She also did accounts payable for five of Respondent's companies. On October 5, she and Boedefeld were instructed on how to put accounts payable on the computer. On October 20, Respondent installed a computer at her desk. She also received a good written recommendation when she was discharged.

C. The Accounting Problems of Respondent

For 10 years, Robert Klabacka retained Floyd Welsch of Wagner & Associates to prepare an annual audit and a con-

solidated tax return. The firm also processed payroll checks and offered advice on business matters. Welsch was also an officer in Express Data Processing.

In 1988 Respondent's Sun Prairie Diesel School handled the accounting functions for all of Respondent's business operations. In April 1988 Robert Klabacka telephoned Mary Crane and told her that he was moving the corporate offices and the accounting functions to Las Vegas but because she was a loyal employee, his son Michael would find work for her. Many times in the past Robert Klabacka praised her work.

In July and November 1988, the accounting books for the various locations were moved to Las Vegas and no one from the Sun Prairie accounting department was laid off. In fact, no one at the Sun Prairie location, with the exception of the three employees in question, were ever laid off or discharged since 1985. In April 1989, the accounting books were sent back to Sun Prairie because Training Enterprises, which was established in Las Vegas to perform the accounting functions, could not do the job or perform the audit.

During 1989 Training Enterprises attempted to install a consolidated computerized system for all of Respondent's locations. When this failed, Robert Klabacka informed Mary Crane that he was returning the entire accounting function to Sun Prairie and offered her a \$1000-a-year raise and to put her on salary if she would do the job. He asked Crane how many employees she would need and she replied three or four.

In mid-March all accounting books, computer software, and some computers were returned to Sun Prairie. When they arrived, they were described variously as being in bad shape, a problem, and a disaster. During March, Robert Klabacka contacted Wagner & Associates and asked them to assist in straightening out the accounting information from 1989 forward. Welsch testified that there were obvious errors in the records which needed correcting and that a computer system had to be installed to handle the entire accounting function at Sun Prairie. However, in April Robert Klabacka decided to send the accounting books for the Eugene, Oregon, and Las Vegas facilities back to those facilities. Finally during the summer of 1990, Robert Klabacka decided that all accounting would be done at Sun Prairie. The Eugene, Oregon, and Las Vegas books were being returned during the summer and portions were still being returned at the time of the discharges.

D. Events Leading to the Discharges

On July 16, Robert Klabacka sent a letter to his sons and the Sun Prairie accounting department stating in pertinent part that Rick Welsch was in charge of setting up new accounting procedures. Welsch was made the boss of the accounting department with the authority to hire and fire and was given total authority to institute new accounting procedures with the warning that anyone who did not cooperate would be terminated.

Welsch and Anthony Klochow testified that they needed to get the accounting records up to date so they could perform the 1989 audit. This was a difficult job because records were still coming from the other locations. Crane, Boedefeld, and Vick helped in this effort and did a good job but according to Welsch the accounting functions would not be up to date

for a long time because the Oregon and Las Vegas records had not even been touched.

Welsch testified that in August and early September, he conducted a survey of the bookkeeping department and determined that many manual functions should be computerized. As a result of this survey, Welsch recommended computerizing accounting functions to Robert Klabacka, but he never recommended eliminating the bookkeeping department.

During July and August, Mary Crane asked Welsch whether conversion to computers would eliminate their jobs. He assured her that there would be enough work for them and repeated this assurance many times after that. During this same period, Anthony Klochow also assured the bookkeeping employees that there would be plenty of work for them after they converted to computers.

On Saturday, September 22, Boedefeld attended a meeting of union stewards where she met with Ruth Ann Stodola, the union business representative. She inquired about the clerical employees joining a union. On September 24, Boedefeld talked to Mary Crane at her desk about joining the Union. She gave Crane a pamphlet and they discussed the Union. Boedefeld had a similar discussion with Florence Vick and other clerical employees that same day. Boedefeld set up two union meetings for October 9 and 22. She asked the clerical employees for the best time and dates for the meetings and urged them to attend. On September 25, Boedefeld drafted and distributed at work a list of benefits the Union might get for them. On that same date, she distributed union authorization cards to the clerical employees and collected the signed cards at her desk. Boedefeld, Crane, and Vick, as well as other clerical employees, signed and returned union authorization cards to her. Vick attended one or both union meetings and discussed the Union with others in the office starting in September. On September 14, Mary Crane told her husband she was interested in the Union. On September 25, he relayed this information to Jerry Klabacka who told his brother Michael about the clerical's union activity. Michael Klabacka testified that on October 24, he had heard from Mark Klabacka about the union meetings held by the office clerical staff.

In September, Welsch had told Boedefeld that she would be issuing payroll checks from her desk by the end of 1990 instead of sending the information to Wagner & Associates and having them issue the checks.

Mary Crane testified that when the accounting books came back from Las Vegas and Oregon, they were "buried" in work to the point where additional overtime was authorized. She further testified that the only monthly financial statement she prepared was for Watertown Inn. The other monthly statements were produced by Wagner & Associates. From March to May, she had problems getting information for the monthly statements because the financial data was buried in some 40 boxes sent back to Sun Prairie. In May, Wagner & Associates produced a monthly statement but when the accounting materials were returned to other locations, each location produced its own financial statement.

On October 24, Ruth Stodola had a negotiating meeting with Michael Klabacka and Respondent's attorney, Paul Hahn. Sometime during that meeting, she asked Michael for recognition of the Union to represent the office clerical employees. Respondent's attorney, Paul Hahn, said he would

get back to her. On Friday, October 26, at 2 p.m., Hahn telephoned Stodola refusing to grant voluntary recognition.

Between 4:15 and 4:30 p.m., the same day, Michael Klabacka discharged Anita Boedefeld and Florence Vick. When Boedefeld asked why, he would not give a reason. Boedefeld asked him why they were not offered other jobs and Michael Klabacka replied, "You don't do that in this situation." After that, he told her to get her things and leave, although he did give permission to return the next day to get her personal items. Vick asked Michael if it was because of her work and he said no, she was doing a fine job.

Mary Crane was on vacation from October 22 to 28, so Michael Klabacka drove out to her farm on the evening of October 26 to tell her she was discharged. He told her Wagner & Associates would be taking over all bookkeeping. She asked him if Anita and Florence were offered jobs downstairs, and Michael replied that they had not been there long enough and the Company did not owe them anything. She told him that because she had been with the Company for 21 years, what about her. Michael said there was no accounting available. Crane asked about the licensing and bonding work and Michael Klabacka said he was doing it. She asked him how long he had known about the terminations and Michael replied that it had been discussed for 2 weeks but the final decision was made on October 24.

The next day when Crane and Boedefeld were collecting their personal items at the school, Mark Klabacka told them to, "Get your shit and get the hell out of here" in a loud voice.

It was stipulated and testified to by Mark Klabacka that from the first of October, and again at the end of November, ads were placed in newspapers for clerical employees having bookkeeping and computer experience. He testified that since September, the Company has hired eight clerical employees.

Robert Klabacka testified that the first time he heard they had a union problem with the clericals was on October 24. He further testified that he was interested in getting rid of his bookkeeping department on July 16 because he was not receiving the daily cash reports and he was not receiving the financial statements on time. He was not sure he told his sons about his intentions.

He also gave as a reason leaks coming out of the bookkeeping department regarding his gambling and how much money he earned. He stated that he never got a DCR from the tuition department at Sun Prairie. He later testified that for 15 years he always received DCRs from Mary Crane, but all of a sudden, he stopped receiving them. He talked to Crane frequently on the telephone but he never mentioned this to her; however, he did talk to Michael Klabacka about it. He also testified that transferring the accounting function to Wagner & Associates would save him money. His affidavit states that the bookkeepers at Sun Prairie were always inefficient and unable to produce the work product.

Anthony Klochow testified that he received a telephone call from Robert Klabacka on October 5, wherein Robert Klabacka stated he would like to fire the entire bookkeeping department because they were leaking sensitive information. Klochow told Robert Klabacka that he had no authority to take such action but that he would talk to Welsch when he got back from vacation. Klochow wrote the entire conversation in a planning memorandum to Welsch. The conversation and memo did not mention inefficiency, computerization, or

a transfer of the operation to Wagner & Associates. Floyd Welsch testified when he returned from vacation on October 10, he called Robert Klabacka, who wanted him to discharge the entire bookkeeping department and take over the operation by October 12. Welsch said that he couldn't take over the entire function that soon so they agreed on October 26 which was the end of the payroll period. He further testified that he never submitted a written proposal for the job but did give a verbal bid of 30 hours per week at \$30 per hour, the week of the discharges. Welsch testified that fourth quarter 1990 billings for the accounting job at Sun Prairie were \$25,000 and 1991 billings, not including October were \$50,000.

Jacqueline Stanek, a clerical employee for Respondent until July 1991, testified that 2 days before the NLRB election, Michael Klabacka held a meeting with the clerical employees. At that meeting he told the clerical employees that the union would do them no good. That it hadn't helped the instructors and it wouldn't help them. He wanted the clericals to vote against the Union.

Analysis and Conclusions

I credit Crane, Boedefeld, and Vick because they were very credible witnesses and their testimony is largely undisputed. Where there is a conflict, I credit the above witnesses over those of Respondent because they appeared to be much more reliable witnesses. Unlike Respondent's witnesses, their testimony was corroborated, consistent, and more believable.

It is my opinion that Respondent never came close to satisfying its *Wright Line* burden. In short, the evidence convinces me that these women would never have been discharged had the Union not asked for recognition.

Respondent's reasons for abolishing the accounting department just do not stand up to scrutiny. Robert Klabacka stated that the main reason he wanted to discharge these women was because they were leaking sensitive information. He offered nothing to substantiate this contention. In fact, the only evidence offered was by Boedefeld who warned Michael Klabacka not to send employee wage information by facsimile transmission.

He complained about not receiving DCRs but then stated that he always got them from Crane until he suddenly did not get them. There was no evidence offered to substantiate this contention. Further, he never discussed the matter with Crane or made any allowance for the fact that the accounting materials were being sent back and forth between locations so many times that it is wonder he ever received anything. Mary Crane and Boedefeld testified that they completed this report and sent it every day until it was either out of their hands or impossible to do so because the information was not available. Robert Klabacka also complained about the monthly financial statements which were the responsibility of Wagner & Associates. He also stated that he would save money but no cost analysis was ever submitted to support this contention.

There is ample evidence that Respondent was opposed to the Union representing the clerical employees. The timing of the discharges and the nature of the bid arrangements from Wagner & Associates are compelling reasons for finding that Respondent discharged these women because of known union activity.

It doesn't take a genius to figure out that the problems attributed to his bookkeeping department were pretextual and caused by Robert Klabacka. Finally it should be noted that when the accounting functions transferred away from Sun Prairie, before any union activity, no one was discharged and except for one person, the same can be said for Las Vegas. Furthermore, none of the discharged women were offered other employment when Respondent was in need of employees with their experience.

Accordingly, I find that Mary Crane, Florence Vick, and Anita Boedefeld were discharged because of their union activities in violation of Section 8(a)(1) and (3) of the Act.

Respondent alleges that Mary Crane was a supervisor and therefore not entitled to vote. I find no credible evidence in the record to rebut her testimony that she possessed no indicia of supervisory authority. Moreover the evidence supports a finding that she was not a supervisor after July 16, when Welsch was made supervisor of the accounting department.

Therefore, I recommend that the ballots of Crane, Vick, and Boedefeld be open and counted.

CONCLUSIONS OF LAW

1. Respondent Diesel Truck Driver Training School, Inc. is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. Drivers, Salesmen, Warehousemen, Milk Processors, Cannery, Dairy Employees and Helpers Union, Local 695 a/w International Brotherhood of Teamsters, AFL-CIO is a labor organization within the meaning of Section 2(5) of the Act.

3. Respondent Diesel Truck violated Section 8(a)(1) and (3) of the Act by discharging Mary Crane, Florence Vick, and Anita Boedefeld.

4. The aforesaid unfair labor practices affects commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. The ballots of Crane, Vick, and Boedefeld should be opened and counted.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, I find that it must be ordered to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act.

The Respondent having discriminatorily discharged employees, it must offer them reinstatement and make them whole for any loss of earnings and other benefits, computed on a quarterly basis from date of discharge to date of proper offer of reinstatement, less any net interim earnings, as prescribed in *F. W. Woolworth Co.*, 90 NLRB 289 (1950), plus interest as computed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987).

On these findings of fact and conclusions of law and on the entire record, I issue the following recommended²

²If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

ORDER

The Respondent, Diesel Truck Driver Training School, Inc., Sun Prairie, Wisconsin, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Discharging or otherwise discriminating against any employee for supporting Teamsters Union, Local 695, or any other union.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Offer Mary Crane, Anita Boedefeld and Florence Vick immediate and full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed, and make them whole for any loss of earnings and other benefits suffered as a result of the discrimination against them, in the manner set forth in the remedy section of the decision.

(b) Remove from its files any reference to the unlawful discharges and notify the employees in writing that this has been done and that the discharges will not be used against them in any way.

(c) Open and count the ballots of Crane, Vick, and Boedefeld.

(d) Preserve and, on request, make available to the Board or its agents for examination and copying, all payroll records, social security payment records, timecards, personnel records and reports, and all other records necessary to analyze the amount of backpay due under the terms of this Order.

(e) Post at its facility at Sun Prairie, Wisconsin copies of the attached notice marked "Appendix."³ Copies of the notice, on forms provided by the Regional Director for Region

³ If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

30, after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(f) Notify the Regional Director in writing within 20 days from the date of this Order what steps the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

WE WILL NOT discharge or otherwise discriminate against any of you for supporting Teamsters Local 695 or any other union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL offer Mary Crane, Anita Boedefeld, and Florence Vick immediate and full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed and

WE WILL make them whole for any loss of earnings and other benefits resulting from their discharge, less any net interim earnings, plus interest.

WE WILL notify each of them that we have removed from our files any reference to their discharge and that the discharge will not be used against them in any way.

DIESEL TRUCK DRIVER TRAINING SCHOOL, INC.